

Appl. No. 10/692,338  
Amendment dated September 6, 2007  
Resubmitted December 13, 2007  
Response to Office Action of June 16, 2007

### **REMARKS/ARGUMENTS**

The Examiner has provisionally rejected claims 1-3 and 6 on the ground of obviousness type double patenting based on copending Application No. 11/118,613. Submitted previously are a terminal disclaimer and fee obviating this provisional rejection, should the '613 application issue as a patent.

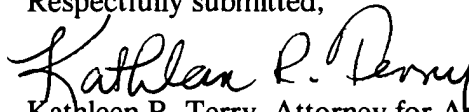
The Examiner has rejected claim 6 as failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. Claim 6 has been canceled in order to focus on the use of ribose for cardiac health and rehabilitation.

Applicants have previously submitted supplemental information speaking to the commercial success of product sold for the uses of claims 1-3. Herewith is submitted the affidavit of James Herrick, Vice President of Business Development for Bioenergy, Inc., the assignee of this application. This affidavit brings the supplemental information current and may be helpful in ascertaining the allowability of this application.

The following remarks are added on resubmission of this amendment. The Examiner is requested to note that the information in the affidavit of James Herrick can easily be interpreted to a success in commerce. Approximately 20,000 patients are now using this simple nutritional supplement to improve their cardiac status. The number is increasing to provide a partial amelioration of the symptoms of heart disease, one of the most pressing health problems in this country. Through this prolonged patent examination, many references on the use of ribose, dating back more than twenty years, have been cited, but not until these investigators showed that low doses of D-ribose were both affective and tolerated, has the important benefits of this nutritional supplement been made available to the public.

Applicants believe that with the current amendments, claim 6 being canceled and the terminal disclaimer, claims 1-3 are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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